

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEVEN GOLDIN, as Co-Executor of Bernice
Goldin's Estate, on behalf of Bernice Goldin's
IRA, and as Co-Trustee of the Paul Goldin
Marital Trust B, and ROCHELLE GOLDIN,
as Co-Executrix of Bernice Goldin's Estate,
on behalf of Bernice Goldin's IRA, and as
Co-Trustee of the Paul Goldin Marital Trust B,

Plaintiffs,

-v-

STATE STREET BANK AND
TRUST COMPANY,

Defendant.

Civ. 1:13-cv-05711-KPF

**DEFENDANT STATE STREET BANK AND TRUST COMPANY'S
NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 12(b)(6), upon the Memorandum of Law in Support and the accompanying Declaration and Associated Exhibits, defendant State Street Bank and Trust Company, by its undersigned counsel, will move this Court before the Honorable Katherine Polk Failla at the United States Courthouse, 40 Foley Square, Courtroom 618, New York, New York, at a time and date convenient for the Court, for an order (1) dismissing with prejudice the complaint of plaintiffs Steven Goldin and Rochelle Goldin, as Co-Executor/Co-Executrix of Bernice Goldin's Estate, on behalf of Bernice Goldin's IRA, and as Co-Trustees of the Paul Goldin Marital Trust B, for failure to state a claim upon which relief can be granted; and (2) granting such other relief as this Court may deem just and proper.

Dated: October 17, 2013

WILMER CUTLER PICKERING HALE
AND DORR LLP

/s/ Andrea J. Robinson

Andrea J. Robinson

WILMER CUTLER PICKERING HALE AND
DORR LLP

60 State Street

Boston, MA 02109

Tel: (617) 526-6000

Fax: (617) 526-5000

andrea.robinson@wilmerhale.com

*Attorneys for Defendant State Street Bank
and Trust Company*